

**Meeting Minutes for Fast Track Workgroup
April 17, 2003, 2:00 PM to 4:00 PM
IGCN, in the OAQ Training Room**

Attendance:

Bill Beranek (IEI), Kari Evans (Barnes and Thornburg), Neil Parke (Eli Lilly), Jodi Perras (Indianapolis), and Bowden Quinn (WPCB member).
Art Umble (Elkhart WWTP) via conference call.
IDEM representatives: Mary Ellen Gray, John Nixon, Martha Clark, John Elliott, David Kallander, Lonnie Brumfield, and MaryAnn Stevens

Purpose of Workgroup

The purpose of this workgroup is to review the list of expedited rulemaking issues that the Triennial stakeholder workgroup identified and come to closure on the process for an expedited rulemaking. This list was identified by the Triennial stakeholder group to include changes based on best science, updates of existing rule language, and technical corrections and clarifications that have a reasonable potential of minimal controversy.

Workgroup Discussion

The central issues of discussion at this meeting included the following:

1. The Memorandum of Agreement between EPA and IDEM.
2. The need for more specifics in parts of the draft first notice that currently simply indicate a need to make a deletion of some existing rule language.
3. Speculation on the public's perception of changes made to existing rules and the arrangement of the rules as they currently exist. On this point, John Nixon suggested that at a later date, after the various Triennial Review workgroup are underway with drafting rule language, there will be meetings to address the total configuration of water quality standards as they are arranged in Title 327.
4. What to do about inconsistency of definitions when a term is defined in multiple locations in the water quality standards.
5. Agreement was achieved on having a sixty (60) day comment period with the first notice.
6. Having an established standard in rule but also multiple methodologies.
7. Dave Kallander commented that a provision needed to be added to the dissolved metals rules indicating what procedure would be followed for metals that did not have a conversion factor. Ohio and Wisconsin had provisions that such metals would be regulated based on the total metal unless a conversion factor was developed.
8. Should all metals be regulated as dissolved or as total? Dave Kallander commented that information provided during the November 2002 SETAC conference cast doubt on the use of the dissolved metals procedures with selenium. He indicated that he was reviewing the issue and would report back to the workgroup.
9. Workgroup members asked Dave Kallander to modify the BCC table distributed before the meeting. The table should include half-life information for the BCCs.

Specific discussion on the draft first notice

1. Request to change category heading of "Updates of Existing Rule Language" to "Revisions to Existing Rule Language to Update References"
2. Under the existing category heading of "Updates of Existing Rule Language" the wording, "without degradation", is inconsistent with SEA 431. The workgroup thought this could be an issue for the Antidegradation workgroup to consider in their rulemaking.

3. Under the category of “Clarifications of Existing Rules”, Neil Parke questioned (1)(A), Narrative Criteria for WET, vs. (2), Narrative Criteria. Dave Kallander said the effect would be no change to the downstate requirements for criteria other than WET. Concerning mixing zones, the group reserved the right to comment later.
4. Under the category of “Changes Based on the MOA” at (D) concerning 327 IAC 5-2-11.6(g)(4), Jodi Perras asked that the language be expanded to read: “Clarify that concentration limits will be included with tiered mass limits for discharges that increase due to wet weather.”.
5. Requests for subject matter to be added to the first notice included: correcting the point of temperature testing to match what had been drafted into the 1999 Triennial Review rulemaking and similarly correct points of application for total dissolved solids, fluoride, and sulfate. Workgroup members requested that IDEM include the sulfates and total dissolved solids criteria to the fast track rulemaking. The argument was made that the TDS criteria should have the point of application changed to water intakes since this is the point of application used in the great Lakes system.

Follow up issues

- Put the EPA – IDEM MOA on the Fast Track library website.
- Put the workgroup minutes of the March 25, 2003 meeting on the Fast Track website.
- Workgroup members are to submit their further draft first notice comments to IDEM by April 24, 2003.
- IDEM will then revise the first notice and resend it to the workgroup on May 1, 2003.
- The workgroup will have until May 5, 2003 to comment again.
- IDEM will submit the first notice to LSA on May 9, 2003 for publication in the June 1, 2003 Indiana Register.

Future Meeting Dates

The previously scheduled meeting date of May 20, 2003, is canceled and replaced by a meeting to be held on June 24, 2003, from 1:30 to 3:30 P.M in Conference Room D of Indiana Government Center North.

Next Meeting issues

- Begin working on draft rule language.